

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:10-CR-72

v.

Hon. Robert J. Jonker

JORDAN FORD,

Defendant.

/

**ORDER DENYING DEFENDANT JORDAN FORD'S
MOTION FOR REVIEW OF DETENTION ORDER**

Defendant Ford is charged with three counts of robbery, two counts of brandishing a firearm in furtherance of a crime of violence, and one count of discharging a firearm in furtherance of a crime of violence. At the arraignment held on May 7, 2010, defendant was ordered detained after he waived his right to a detention hearing in open court with counsel present. Based upon the Pretrial Services report, the court found that defendant was both a flight risk and a danger to the safety of the community.

On June 29, 2010, the court entered an order granting an ends of justice continuance, which was opposed by defendant. It is because of that continuance that defendant now requests that the "Court grant a hearing to review the previously entered Detention Order and grant a revocation or amendment of it to allow his release" (Motion, ¶5, Docket No. 75). The motion has been referred to me for resolution.

Although defendant cites no court rule, at first glance it would appear defendant is bringing this motion under 18 U.S.C. § 3145(b), which provides that a defendant may seek review by a district judge of a detention order for the purpose of its revocation or amendment of that order.

However, this section appears designed to provide a review of a detention order based on the grounds made known to the magistrate judge when he issued the order.

On the other hand, where there has been a change in circumstance since the original ruling, Section 3142(f) would appear to be the relevant provision. Section. 3142(f) provides that a hearing may be reopened at any time by the magistrate judge, if the judge “finds that information exists that was not known to the movant at the time of the hearing and that has a material bearing on the issue of whether there are conditions of release . . .” which will assure the appearance of the defendant and the safety of the community. In this instance, the only information that now exists which was not known to the movant at the time of the hearing is the court’s recent order granting an ends of justice continuance. This new information does not have any bearing, much less a material one, on the issue of whether there are now appropriate conditions of release. If anything, the risks of non-appearance and harm to the community would be greater now since there is a longer period prior to trial.

For the reasons stated above, the motion (docket no. 75) will be treated as one for reopening the detention hearing based on new developments, and will be **DENIED** for the reasons stated. If defendant seeks a review of the detention order, or this order, by the district judge, he may file a renewed motion for review of the detention order stating that it is being brought pursuant to §3145(b).

IT IS SO ORDERED.

Dated: July 2, 2010

/s/ Hugh W. Brenneman, Jr.
HUGH W. BRENNEMAN, JR.
United States Magistrate Judge